

Serial No. 10/647,785
Examiner: FLEMING, Faye M.
Art Unit 3616

Page 7 of 8

REMARKS

By this amendment claim 2 has been amended. Claim 1 has been cancelled. Claims 18 and 19 have been added. No new matter has been entered. Accordingly, claims 2-19 are now pending in the application. The specification has also been amended. Reconsideration and allowance of all of the claims are respectfully requested in view of the foregoing amendments and the following remarks.

Regarding Office Action Paragraph 1 – Objection to the Specification

Paragraph [0017] has been amended to add the following, in order to provide a description of an "ATV-type tire": "The front wheels define the front axis and the rear wheels define the rear axis, and each of the wheels includes an ATV-type tire, i.e. a low-pressure balloon tire having an air pressure of less than 1 kg/cm²."

It is believed that this description is already present in the application, as the vehicle described therein is an ATV, it is shown in the drawings have ATV-type tires, and this definition is known by a person skilled in the art of ATVs. For example see U.S. Patent 4,860,850, assigned to the present assignee's competitor Honda, wherein, at col. 3, lines 57-60 it states: "The wheels Wf, Wlr, Wrr each has a wide extremely low pressure tire T, for example, so-called balloon tire whose air pressure is less than 1 kg/cm², mounted thereon."

Reconsideration and withdrawal of the objection is respectfully requested.

Regarding Office Action Paragraphs 2 and 3 – Rejection under 35 U.S.C. 112

Claim 2 is rejected under 35 U.S.C. 112 2nd paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The Examiner believes that the expression "an ATV-type tire" is unclear. In response, the claims have been amended to recite simply "a tire". It is believed that this amendment overcomes the Examiner's rejection in this regard.

Reconsideration and withdrawal of this rejection is respectfully requested.

Regarding Office Action Paragraphs 4 and 5 – 35 U.S.C. 102

Examiner has rejected claims 1-3 under 35 USC 102 as being anticipated by Kitao, et al (US Pat. No. 6,296,163).

Applicants have replaced independent claim 1 by independent claim 18 so as to clarify the claimed invention. These amendments are unrelated to the Examiner's rejections and no surrender of subject matter is intended thereby.

Examiner states "Kitao, et al. teaches... a secondary seat portion, rearward of the main seat portion..." Applicants respectfully disagree. Seat 10 is defined in the specification of Kiato. There is absolutely no mention in the specification of a seat having a main seat portion and a secondary seat portion or any other kind of distinction. The seat referred by Kitao is a standard ATV seat well known in the art to accommodate only a driver. The ATV described therein is a standard single-seater ATV. Such ATVs have existed in the prior art

Serial No. 10/847,785
Examiner: FLEMING, Faye M.
Art Unit 3616

Page 8 of 9

for some time. The seat is sized and dimensioned for a lone driver and only one pair of footrests/footpegs are accordingly provided with the vehicle.

A more detailed description of Kitao is unnecessary. It is clear that Kitao does not disclose "a straddle-type seat supported by the frame including a main seat portion which is dimensioned to support a standard driver having the dimensions and weight of a 50-percentile human male and a secondary seat portion, rearward of and adjacent to the main portion, which is dimensioned to support a standard passenger having the dimensions and weight of a 50-percentile human male", as is recited in all of the claims of the present application. If the Examiner believes that Applicants' characterization of Kitao is incorrect, Applicants request that the Examiner identify particular passages of text of Kitao that support the Examiner's contention.

New independent claim 18 further recites a pair of driver's footrests, a pair of passenger's footrests and a pair of passenger grab handles. Kitao also fails to disclose these elements, it cannot anticipate claim 18 for this reason as well.

Reconsideration and withdrawal of the rejection is respectfully requested.

Regarding Office Action Paragraphs 6 and 7 – Rejection under 35 U.S.C. 103(a)

Examiner rejects claims 4-17 under 35 USC 103(a) as being unpatentable over Kitao et al. (US Pat. No. 6,296,163) in view of Hendrick et al. (US Pat. No. 4,300,706). Applicants respectfully disagree.

Hendrick does not solve the Examiner's problem with respect to Kitao. Hendrick discloses a three-wheel motorcycle (title) having a seat (S - column 2, lines 33). No further description of the seat S is provided. Hendrick is simply an older style conventional single-seater ATV. A more detailed description of Hendrick is unnecessary. It is clear that Hendrick does not disclose "a straddle-type seat supported by the frame including a main seat portion which is dimensioned to support a standard driver having the dimensions and weight of a 50-percentile human male and a secondary seat portion, rearward of and adjacent to the main portion, which is dimensioned to support a standard passenger having the dimensions and weight of a 50-percentile human male", as is recited in all of the claims of the present application. Further Hendrick fails to disclose a pair of driver's footrests, a pair of passenger's footrests and a pair of passenger grab handles. If the Examiner believes that Applicants' characterization of Hendrick is incorrect, Applicants request that the Examiner identify particular passages of text of Hendrick that support the Examiner's contention.

Therefore the combination of Hendrick with Kitao (whether or not such combination is proper and expressly reserving the right to argue theragainst in the future) cannot render obvious any of the present claims as not all the claimed elements are disclosed.

Reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, the Applicant respectfully submits that all of the currently pending claims are allowable, and that the entire application is in condition for allowance.

Serial No. 10/647,785
Examiner: FLEMING, Faye M.
Art Unit 3816

Page 9 of 9

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Jonathan D. Cutler, Reg. No. 40,576
Attorney for the Applicant
Tel: (514) 732-7050
Fax: (514) 732-7058